

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0934-23 **Applicant:** M & T Foden, T Laud, & J Bailey-Scott

Proposal: Details of contamination of land or pollution of controlled waters (Condition 4 of H17-0376-23)

Location: Land Adjacent To 110 Station Road Surfleet Spalding

Terminal Date: 15th December 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application on land adjacent to 110 Station Road, Surfleet for details of contamination of land or pollution of controlled waters (Condition 4 of H17-0376-23). A document named "Additional Ground Investigation & Updated Remediation & Verification Strategy" has been submitted to address this condition.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by linear residential development of varying ages and designs. The site is in Environment Agency Flood Zone 1, and is in a Low Hazard area, with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H17-0600-22

Full - Demolition of existing outbuildings and erection of 2 detached two storey dwellings - Approved - 09 August 2022.

H17-0376-23

Full - Demolition of existing outbuildings and erection of 2 detached two storey dwellings - approved under H17-0600-22. Amendment of house type to Plot 1 - Approved - 03 August 2023.

CONSULTATION RESPONSES

South Holland District Council - Environmental Protection

"I have reviewed the Evolve Geo-Environmental Limited report 'Additional Investigation & Updated Remediation and Verification Strategy Project: 110 Station Road, Surfleet Project No: EGE-23-02-03-01' dated 16th October 2023 and am in general agreement with the findings. I therefore recommend discharge of condition 4 of H17-0376-23 in full, with condition 5 remaining outstanding. I look forward to receipt of the validation report in due course."

EVALUATION

Compliance with Condition 4 of H17-0376-23 - Contaminated Land

Condition 4 of H17-0376-23 states:

"Prior to development of the proposal beyond oversight a scheme to deal with any contamination of land or pollution of controlled waters shall be submitted to and approved in writing by the Local Planning Authority (LPA). Solely foundations can be installed up until this point. No slabs, radon sheets or other associated materials shall be installed until the required contamination scheme is approved. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

i) As identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

ii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details. No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory

development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019."

The Environmental Protection department have responded to state that the submitted details satisfactorily address Condition 4, and this condition can now be discharged.

It is considered that Condition 4 of H17-0376-23 has been complied with.

CONCLUSION

Condition 4 of H17-0376-23 has been satisfactorily addressed.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.